

	STATE OFFICE for SERVICES to CHILDREN and FAMILIES CLIENT SERVICES MANUAL I ISSUED BY: Program Operations EFFECTIVE DATE: 1/01/02	NUMBER: I-E.7.1 OAR: 413-100-0800 / 0850 SECTION: E. Substitute Care SUBSECTION: 7. Child's Resources
SUBJECT: 1. Child Support: SED Referrals - Oregon Administrative Rules		

Responsible Manager: Coordinator,
Child Support Program

Approval: _____
Administrator,
Office of Child Support and
Food Stamps

Interpretation: Child Support Coordinator
Children's Benefit Unit

REFERENCES: PL 93-647 (Title IVD)
PL 104.193 The Personal Responsibility and Work Opportunity
Reconciliation Act of 1996 (PRWORA)
PL 105.89 Adoption and Safe Families Act (ASFA)
ORS 3.408
ORS 25.080
ORS 25.260
ORS 180.320
ORS 411.060
ORS 418.005
ORS 418.117
ORS 418.500
ORS 419B.400 - .408
ORS 419B.524
OAR 461-200-1020

PURPOSE

413-100-0800 These rules explain the mandatory referrals of children in substitute care to the Oregon Child Support Program.

Statutory Authority: ORS 418.005

Stats. Implemented: PL93.647, ORS 25.010 to .120, 180.320 to .370

DEFINITIONS

413-100-0810 (1) "Assistant Director" means: the director of Children, Adults and Families (CAF) policy and programs of the Oregon Department of Human Services (DHS).

(2) "The Child Support Program" means: the Department of Human Services Children, Adults and Families (CAF) program that administers Social Security Title IV-D (child support) for Oregon.

(3) **“Department of Justice Division of Child Support (DCS)”** means: the division of the Oregon Department of Justice that is contracted by the Child Support Program to provide child support services for children who are receiving or formerly received public assistance.

(4) **“Support”** means: cash payments or other benefits that each parent has been ordered by a court or by administrative process, or has voluntarily agreed to provide for the benefit and maintenance of a child:

(a) **“Child Support”** means: payments that a parent has been ordered (or has agreed) to pay for the benefit of a child.

(b) **“Medical Support”** means: health insurance benefits, or payments for actual health services, that a parent has been ordered (or has agreed) to provide for the benefit of a child.

(5) **“Referral”** means: the actual notification to the Child Support Program that a child is in care; initiating the application for child support services. A referral may occur electronically or manually.

(6) **“Exemption”** means: excusing a parent from providing child support.

(7) **“Perpetrator”** means: an individual identified by DHS as responsible for child abuse or neglect in a Child Protective Services (CPS) Founded Disposition.

(8) **“CPS Disposition”** means: a finding that completes a Child Protective Services (CPS) Assessment. Dispositions are defined in OAR 413-020-0430(15) and are summarized as follows:

(a) **"Founded"** means: there is reasonable cause to believe that the child abuse or neglect occurred;

(b) **"Unfounded"** means: no evidence of child abuse or neglect was identified or disclosed; or

(c) **"Unable to determine"** means: some indications of child abuse/neglect exist, but there is insufficient data to confirm whether or not child abuse/neglect occurred.

(9) **Legal Parent** means: a legal mother or a legal father.

(10) **Legal Mother** means: the woman who gave birth to the child or a woman who has legally adopted the child;

(11) **Legal Father** means: the man who has established his parental rights in one of the following ways:

(a) The man was married to and cohabiting with the child's mother at the time of the child's conception is conclusively presumed to be the child's legal father unless he was sterile or impotent at the time of conception;

(b) The child's biological father established legal paternity by marrying the child's mother either before or after the child's birth;

(c) The biological father, with the child's mother, has filed a joint declaration of paternity with the Oregon Health Division Center for Health Statistics;

(d) A biological father whose legal paternity has been established by filiation proceedings;

(e) A father whose legal paternity has been established by an order, including adoption of the child; or

(f) If the child was born in a state other than Oregon, legal paternity may have been established by other means according to the laws of that state (e.g., common-law marriage).

(12) “**Subrogated**” means the assumption by DHS of another’s legal right to collect child support.

POLICY

INFORMING PARENTS OF FINANCIAL OBLIGATIONS

413-100-0820 The DHS worker shall inform the legal parents of children placed in substitute care placement with the state, that they will be referred to the Child Support Program. DCS will contact the parent/s regarding the support they each will be required to provide and will enforce collection of the support obligation. Benefits from an existing child support order from one parent to the other parent or another person is subrogated by law to DHS while the child is in a paid substitute care placement and child support arrears will be assigned as prescribed by law. When there is no legal parent, a referral so stating will be sent to the Child Support Program.

Statutory Authority: ORS 418.005

Stats. Implemented: PL93.647, ORS 25.010 to .120, 180.320 to .370, 419B?

REFERRALS TO THE CHILD SUPPORT PROGRAM

413-100-0830 Unless exempt, the legal parents of children placed in a paid substitute care placement in the care and custody of the DHS will be referred to the Child Support Program. Referral information will be reported to the Child Support Program electronically

when substitute care information is entered on the DHS Integrated Information System (IIS). When legal parents are exempt from child support, the reason for the exemption must be documented in the case file. Legal parents are exempt when:

(1) The legal parent of the child(ren) is deceased. DHS will, however, make application for survivors benefits and pursue resources for the child from the parent's estate where appropriate.

(2) The parent's rights are terminated by the court and DHS has permanent custody, or parent has voluntarily relinquished his/her rights for the purpose of adoption of the child.

(3) The parent has an exemption for good cause as follows:

(a) Temporary exemption for good cause:

(A) With the approval of the Assistant Director or Assistant Director's designee a child's legal parent may be exempt if the child's parent is receiving counseling from a public or private licensed agency to determine whether to keep or relinquish the child for adoption. A written statement from the DHS caseworker/community office is required; and

(B) Exemption for good cause shall not be approved for more than three months unless after three months the exemption is reestablished and approved by the Assistant Director or Assistant Director's designee. A written statement from the DHS caseworker/community office is required.

(C) The above exemptions shall not apply if there is an existing order of support for one parent to pay the other parent or another person for the subject child.

(b) If a child adopted through Oregon's DHS Adoption Program subsequently requires substitute care placement and if the child is approved for an adoption subsidy agreement, the subsidy shall be suspended or modified while the child is in care. With the approval of the Assistant Director or the Assistant Director's designee a permanent good cause exemption shall be granted except in the following circumstances;

(A) the child is in care because of a Founded CPS Disposition and the perpetrator is the legal parent, or

(B) the Assistant Director determines it is not in the best interest of the child to grant an exemption.

(C) The above exemptions shall not apply if there is an existing order of support for one parent to pay the other parent or another person for the subject child.

(c) Permanent exemption of legal parents may be approved for good cause in the following situations:

(A) When there is documented evidence that the child was conceived as the result of incest or rape or legal proceedings for adoption are pending and establishing paternity would be detrimental to the child, the Assistant Director or the Assistant Director's designee may approve an exemption for an alleged father. The mother will be referred unless she meets the criteria for an exemption.

(B) If a child adopted through Oregon's Adoption Program or some other state's adoption program subsequently requires substitute care placement, the case may be considered for a permanent exemption on a case-by-case basis. If it appears that the child's current need for placement can be attributed to the child's genetic, developmental or social history prior to adoption and it is in the child's best interest, a permanent exemption may be granted. Such an exemption requires the approval of the Service Delivery Area manager and the Assistant Director;

(C) When it is in the best interest of a child the Assistant Director may approve an exemption.

(D) The above exemptions shall not apply if there is an existing order of support for one parent to pay the other parent or another person for the care of the subject child.

(3) When the child has been legally adopted, the natural parent will be exempt effective the date of the adoption decree.

Statutory Authority: ORS 418.005

Stats. Implemented: PL93.647, ORS 25.010 to .120, 180.320 to .370

EXISTING SUPPORT ORDERS

413-100-0840 Information may be obtained from a support case to be used for the administration of DHS programs. This information may be entered on the DHS Integrated Information System (IIS) when verified. Information from child support screens may not be used to locate relatives.

Statutory Authority: ORS 418.005

Stats. Implemented: PL93.647, ORS 25.010 to .120, 180.320 to .370

NOTIFICATION OF CHANGE

413-100-0850 An electronic referral to the Child Support Program is made when relevant data is entered on IIS or FACIS and sent to CSEAS. Manual referral to the Child Support Program is made when relevant data is entered on the Child Support Enforcement Automated System (CSEAS) by authorized DHS staff or by any other means of communication between DHS and DOJ DCS.

Statutory Authority: ORS 418.005

Stats. Implemented: PL93.647, ORS 25.010 to .120, 180.320 to .370